



Paper No. 6

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In re Application of
Sijacic, *et al.*
Application No. 09/867,650
Filed: May 31, 2001
Attorney Docket No. 06502.0338-00000

OFFICE OF PETITIONS
DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the November 30, 2001 petition under 37 C.F.R. §1.47(a).

HISTORY

Applicant filed the above-identified application on May 31, 2001, naming Michael Sijacic, Michael Chmielewski, Edwin Khodabachian, and Albert Tam as joint inventors. However, the declaration required by 37 C.F.R. §1.53 was missing. Accordingly, on July 30, 2001, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a notice to file missing parts (hereinafter "the notice") to the address of record. The notice set a two month deadline for responding, running from the mail date of the notice.

Petitioner filed his response to the notice (which included a petition for a two month extension of time) on November 30, 2001.

LAW

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(l) and the last known address of the nonsigning inventor. The Patent and Trademark Office shall, except in a continued prosecution application under §1.53(d), forward notice of the filing of the application to the nonsigning inventor at said address and publish notice of the filing of the application in the Official Gazette. The nonsigning inventor may subsequently join in the application on filing an oath or declaration complying with §1.63.

ANALYSIS

As can be seen from the rule as reproduced above, rule 47 status cannot be granted unless the petition is also accompanied by a declaration. In order to be valid, a declaration must identify the country or citizenship of each inventor.¹ While this petition is accompanied by the required declaration, the declaration does not identify the country or citizenship of the nonsigning inventors.

Accordingly, *this petition is dismissed.*

¹ 37 C.F.R. §1.63(a)(3)

It is also noted that the post office addresses of the nonsigning inventors as noted on the declaration do not match the last known addresses as given in the petition. Clarification of these inventors' proper addresses is also requested.

CONCLUSION

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.47(a)".

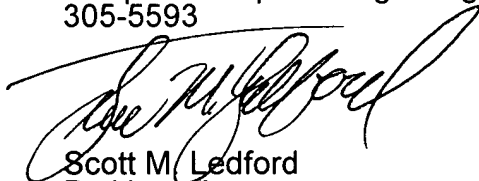
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
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By FAX: (703) 308-6916
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Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-5593



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